

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 2, 5-7, 11, 12, 15-17, 21, and 52-61 were previously pending in this application. By this amendment, Applicant is canceling claims 2, 5, 7, 12, 15, 17, 53-54, 56, and 58-61 without prejudice or disclaimer. Claims 1, 6, 11, 16, 21, and 55 have been amended. New claims 62-67 have been added. As a result, claims 1, 6, 11, 16, 21, 52, 55, 57, and 62-67 are pending for examination with claims 1, 11, and 21 being independent claims. Support for the claim amendments and the new claims may be found in the application as filed and particularly in the specification at page 3, line 21 through page 6, line 12. The claims have been amended to clarify claim language. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1-2, 5-7, 11-12, 15-17, 21, and 52-61 under 35 U.S.C. 112, first paragraph, as not enabled. The Examiner's rejection is based on the premise that the invention is drawn to measuring CRP in pre-diabetic patients and comparing the value obtained to a predetermined value. Based on that comparison, it would be determined if the patient is at risk of developing diabetes. According to the Examiner, the predetermined value for the diagnosis of diabetes refers to a value that was not known previously to be associated with diabetes. Therefore, one of ordinary skill in the art would not have a control value to compare the patient's CRP level against to predict the risk of diabetes and thus would not be enabled to practice the invention.

The claims have been amended along the lines suggested by the Examiner in the Office Action to overcome this rejection.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1-2, 5-7, 11-12, 15-17, 21, and 52-61 under 35 U.S.C. 112, second paragraph, as being indefinite for the use of the term "predetermined value" of CRP associated with diabetes. The claims have been amended along the lines suggested by the Examiner to clarify claim language and to overcome the rejection.

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In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the claims and withdrawal of the rejections.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

The Applicant hereby requests a one-month extension of time. Payment of \$120.00 is enclosed to cover the fee for the extension of time. If there is any additional fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Ridker et al., Applicant(s)

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